

PROVIDENCE CITY COUNCIL MEETING AGENDA

April 14, 2015 6:00 p.m.

15 South Main, Providence UT

The Providence City Council will begin discussing the following agenda items at 6:00 p.m. Anyone interested is invited to attend.

Call to Order: Mayor Calderwood
Roll Call of City Council Members: Mayor Calderwood
Pledge of Allegiance:

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of March 24, 2015 City Council meeting.

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Business Items:

Item No. 1. Report: Sherman Sanders will report on the County Urban Deer Meeting.

Item No. 2. Resolution 010-2015. The Providence City Council will consider for adoption a resolution accepting for further consideration an annexation petition for Stan Checketts Properties LC. The property described in the annexation petition is located adjacent to the northeast boundary of Providence City (approximately 500 North 400 East); and is comprised of Parcel No.s 02-004-0013, 02-004-0014, 02-005-0003, 02-004-0015, 02-004-0019 containing 33.31 acres.

Item No.3. Ordinance No. 2015-013. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 10 Zoning Regulations, Chapter 6 Use Regulations Section 1 Use Chart by adding Recreation/Entertainment as a conditional use in a Single-family Large (SFL) zone.

Item No.4. Ordinance No. 2015-012. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 10 Zoning Regulations, Chapter 6 Use Regulations Section 1 Use Chart by allowing beekeeping in all zones in the City.

Item No.5. Ordinance No. 2015-003. The Providence City Council will consider for adoption an ordinance amending Providence City Code Title 4 Chapter Nuisances. As part of this discussion, James Grier, Logan City Development Director, will explain nuisance regulations and enforcement in Logan City.

Staff Reports: Items presented by Providence City Staff will be presented as information only.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting

of this agenda and the City Council determines that an emergency exists.

Executive Session:

Item No. 1. The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Item No. 2. The Providence City Council may enter into a closed session discuss pending litigation Utah Code 52-4-205(1) (c).

Item No. 3. The Providence City Council may enter into a closed session as allowed by Utah Code 52-4-205(1) (a)

Agenda posted the 9 day of April 2015.



Skarlet Bankhead
City Recorder

If you are disabled and/or need assistance to attend council meeting, please call 752-9441 before 5:00 p.m. on the day of the meeting.

Pursuant to Utah Code 52-4-207 Electronic Meetings – Authorization – Requirements the following notice is hereby given:

- Providence City Ordinance Modification 015-2006, adopted 11/14/2006, allows City Council member(s) to attend by teleconference.
- The anchor location for this meeting is: Providence City Office Building, 15 South Main, Providence, UT.
- Member(s) will be connected to the electronic meeting by teleconference.

PROVIDENCE CITY COUNCIL MEETING AGENDA

March 24, 2015 6:00 p.m.

15 South Main, Providence UT

Call to Order: Mayor Calderwood
Roll Call of City Council Members: Mayor Calderwood
Attendance: Jeff Baldwin, Bill Bagley, Ralph Call, John Drew, John Russell
Pledge of Allegiance: Mayor Calderwood

Approval of the minutes

Item No. 1. The Providence City Council will consider approval of the minutes of February 24, 2015 City Council meeting.

Motion to approve the minutes of February 24, 2015: J Drew, second – R Call

- Page 1 Line 36 Sheriff. Add in the discussion of STAR deputy, community policing, and getting out of the office into the field.
- Page 4 Line 7 Midway, Utah

Vote: Yea: J Baldwin, B Bagley, R Call, J Drew, J Baldwin

Nay: None

Abstained: None

Excused: None

Public Comments: Citizens may appear before the City Council to express their views on issues within the City's jurisdiction. Comments will be addressed to the Council. Remarks are limited to 3 minutes per person. The total time allotted to public comment is 15 minutes The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

- Mike Simidini, 534 Garden Drive, showed a picture of his neighbor's yard full of weeds. He also showed a picture of his yard that is in violation of the City's clear view ordinance. He would like to have the ordinance changed. He suggested the City either enforce the ordinance or change the measurements in the ordinance.
- This will be addressed at the next council meeting.
- Rowan Cecil offered to go through the city and see which corners are in violation of the clear view and bring it to the next meeting. He will offer suggestions on how to address the problem.

Proclamation: Jim Payant, Child and Family Support Center, will make a brief presentation in conjunction with Child Abuse Prevention Month, nationally observed during the month of April.

- James Payant reported on the services provided by the CFSC and Child Abuse Prevention Month. They are changing their name to the Family Place. They will separate the child abuse preventions services to the Starfish Child Center.
- Mayor Calderwood read the proclamation.

Report: Allison Richman, BRAG Mobility Specialist will report on the Bear River Area Access and Mobility Council.

- Allison Richman gave the Council some information regarding Bear River Association of Government (BRAG). She explained the BRAG area is Cache, Rich, and Box Elder counties. A Richman reviewed some of the services offered, such as helping with utilities and housing, and services for senior citizens.
- A Richman explained the mobility management program focusing with the most vulnerable needs as a priority. They also have a medical voucher program to allow clients that meet the requirement to choose a driver of their choice, and the program reimburses the driver.

- A Richman explained BRAG also assists with planning and economic development. She asked the council to please be aware of residents who may have physical challenges, and make the city more accessible to everyone.

Report: Alma Leonhardt will give a report on the Cache Valley Transit District (CVTD)

- A Leonhardt and Tom Bogin, members of the CVTD Board, gave the Council information regarding CVTD. T Bogin was appointed by Logan City Mayor Randy Watts.
- J Drew explained that the Council is hearing from representatives from agencies the City works with. They heard from the Sheriff in a past meeting and intend to hear from other agencies.
- A Leonhardt reviewed the ridership.
 - J Drew explained he has spent about 8.5 hours on various routes. He reported he saw many riders that only ride a few blocks, such as middle school students riding 4 blocks and USU students riding 2 blocks. He felt this competes with the yellow school bus.
 - A Leonhardt explained the transit district cannot provide school transportation. However, they cannot discriminate with riders.
 - Where the routes are set, the buses cannot deviate. The "tripper" was designed as a safety overflow.
- T Bogin discussed compensation. They are doing a complete internal audit. In May they are having the group that did the executive compensation audit provide training and review the report.
- J Drew and R Call expressed concern about the compensation. R Call felt that just looking at other transit districts was not enough. R Call felt that compensation of similar positions in other businesses should be considered.
- T Bogin explained they do have a plan. He invited the council members to attend the CVTD Board meetings.
- R Call expressed concern that the Board was not accepting fiscal responsibility. He does not feel the Board is held accountable as they should be.
- J Drew expressed concern that there is an incentive to pick up kids that ride 4 blocks, because federal funding is based on ridership.
- T Bogin explained they have put a freeze in place on compensation.

Business Items:

Item No. 1. Resolution 007-2015. The Providence City Council will consider for adoption a resolution amending the Providence City Public Works Standards and Specification Manual by adding Drawing No. C-8 Clear View Detail.

- R Call felt this drawing may be premature.

Motion to continue until the next meeting: R Call, second – J Drew

- J Baldwin appreciated the copy of the ordinance, and that landscaping is allowed, it just needs to keep the view window open.

Vote: Yea: J Baldwin, B Bagley, R Call, J Drew, J Baldwin

Nay: None

Abstained: None

Excused: None

Item No.2. Resolution 008-2015. The Providence City Council will consider for adoption a resolution approving the Municipal Wastewater Planning Program (MWPP).

Motion to adopt Resolution 008-2015 – J Russell, second - J Baldwin

Vote: Yea: J Baldwin, B Bagley, R Call, J Drew, J Baldwin

Nay: None

1 Abstained: None

2 Excused: None

3
4 **Item No.3. Resolution 009-2015.** The Providence City Council will consider for adoption a resolution
5 approving the Development and Public Improvement Installation Agreement for Hillcrest Subdivision
6 Phase 4; a 9-lot residential subdivision located generally at 519 East 800 South.

7 **Motion to approve Resolution 009-2015 – J Baldwin, second – J Russell**

8 **Vote: Yea: J Baldwin, B Bagley, J Drew, J Baldwin**

9 **Nay: R Call**

10 **Abstained: None**

11 **Excused: None**

12
13 **Item No. 4. Ordinance 2015-010:** The Providence City Council will consider for adoption an ordinance
14 amending Providence City Code Title 11 Subdivision Regulations by changing “Development Review
15 Committee (DRC)” to “City Executive Staff”.

16 **Motion to adopt Ordinance 2015-010: R Call, second – B Bagley**

- 17 • S Bankhead explained according to state code, if a public body is created, it needs to operate as
18 a public body following the open meetings act. She explained that the development review
19 committee came about quite a few years ago, when different staff members decided it would be
20 best to meet together to review development application rather than the each review member
21 submitting a report to the planning commission. If staff wants to meet to review something,
22 they just want to be able to meet; however, if they want to submit reports instead, they want
23 that option.
- 24 • S Bankhead explained if the Council wants the group to be a formal committee, the Council can
25 certainly create the public body. The Council did not want the review group to become a public
26 body.
- 27 • The Council agreed to City Executive Staff.

28 **Vote: Yea: J Baldwin, B Bagley, R Call, J Drew, J Baldwin**

29 **Nay: None**

30 **Abstained: None**

31 **Excused: None**

32
33 **Item No. 5. Ordinance 2015-011:** The Providence City Council will consider for adoption an ordinance
34 amending Providence City Code Title 10 Zoning Regulations, Chapter 1, Section 1 Use Chart, by
35 allowing Radio/TV/cellular tower as a conditional use in the Public Use District.

36 **Motion: J Baldwin, second – B Bagley**

37 **Vote: Yea: J Baldwin, B Bagley, R Call, J Drew, J Baldwin**

38 **Nay: None**

39 **Abstained: None**

40 **Excused: None**

41
42 **Item No.6. Discussion:** The Providence City Council will discuss proposed changes to the nuisance
43 ordinance.

- 44 • Mayor Calderwood suggested that, unless it is a matter of health and / or safety, we only act on
45 signed complaints.
- 46 • J Drew asked if the City wanted to address visual problems.

47 **Staff Reports:** Items presented by Providence City Staff will be presented as information only.

Council Reports: Items presented by the City Council members will be presented as informational only; no formal action will be taken. The City Council may act on an item, if it arose subsequent to the posting of this agenda and the City Council determines that an emergency exists.

Mayor Calderwood read the following items for executive session.

Executive Session:

Item No. 1. The Providence City Council may enter into a closed session to discuss land acquisition or the sale of real property Utah Code 52-4-205(1) (d) and (e).

Item No. 2. The Providence City Council may enter into a closed session discuss pending litigation Utah Code 52-4-205(1) (c).

Item No. 3. The Providence City Council may enter into a closed session as allowed by Utah Code 52-4-205(1) (a)

Motion to enter into an executive session: J Baldwin second – B Bagley

Vote: Yea: J Baldwin, B Bagley, R Call, J Drew, J Baldwin

Nay: None

Abstained: None

Excused: None

The Council entered into executive session at approximately 8:30 p.m.

The Council returned to open meeting at approximately 9:15 p.m.

Meeting adjourned at 9:15 p.m.

Resolution 010-2015

A RESOLUTION ACCEPTING FOR FURTHER CONSIDERATION AN ANNEXATION PETITION FOR STAN CHECKETTS PROPERTIES LC. THE PROPERTY DESCRIBED IN THE ANNEXATION PETITION IS LOCATED ADJACENT TO THE NORTHEAST BOUNDARY OF PROVIDENCE CITY (APPROXIMATELY 500 NORTH 400 EAST); AND IS COMPRISED OF PARCEL NO.S 02-004-0013, 02-004-0014, 02-005-0003, 02-004-0015, 02-004-0019 CONTAINING 33.31 ACRES.

WHEREAS UCA § 10-7-717 Purpose of resolutions, states, "Unless otherwise required by law, the governing body may exercise all administrative powers by resolution . . ."

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses.

WHEREAS Providence City received a Petition for Annexation on March 20, 2015:

- The property is located adjacent to the northeast boundary of Providence City (approximately 500 North 400 East)
- The property is comprised of Parcel No.s 02-004-0013, 02-004-0014, 02-005-0003, 02-004-0015, 02-004-0019 containing 33.31 acres.

Providence City Code 10-3-6: Annexation States *A. Classification: New area annexed to the City shall be annexed into the City as agricultural, unless otherwise approved by the City Council as provided in Utah Code Annotated, as may be amended.*

- The property is currently used as agricultural land. The applicant/petitioner is requesting the property be zoned Single-Family Traditional (SFT).
- Pursuant to Utah Code 10-2-405.(1)(a)(i) A municipal legislative body may: (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or (B) accept the petition for further consideration under this part.

THEREFORE be it resolved by the Providence City Council:

- The Petition for Annexation filed by Stan Checketts shall be accepted for further consideration; and
- This resolution shall become effective immediately upon passage.

Passed by vote of the Providence City Council this 14 day of April, 2015.

Council Vote:

Bagley, Bill	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Baldwin, Jeff	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Call, Ralph	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Drew, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent
Russell, John	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Excused	<input type="checkbox"/> Abstained	<input type="checkbox"/> Absent

Providence City

Don W Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

PROVIDENCE CITY
Executive Staff (CES) Review Report
April 6, 2015

Request: That the City Council consider a petition for annexation for further review.

Item Type: Resolution	Applicant: Brent Skinner	Owner: Stan Checketts Properties LC
Prepared by: S Bankhead	General Plan: SFT	Zone: requesting SFT
Acres: 33.31 Address: approximately 500 North 400 East	Parcel ID #: 02-004-0013, 02-004-0014, 02-006-0003, 02-004-0015, 02-004-0019	

Background Information:

1. The annexation petition was received 03/20/2015
2. CES reviewed the petition on 03/30/2015 and 04/06/2015

FINDINGS OF FACT:

1. CES used Providence City Code (PCC) 10-3-6 Annexation to review the petition.
2. CES used the Official Zoning Map of the City of Providence Utah Revised: December 12, 2012
3. CES used Utah Code (UCA) 10-2-405 Acceptance or denial of an annexation petition -- Petition certification process -- Modified petition.

CONCLUSIONS OF LAW:

1. The petition meets the application requirements in PCC 10-3-6
2. The property lies within the boundaries of the Providence City Annexation Policy Plan.
3. The City Recorder has not certified the petition.

CONDITIONS:

That the Providence City Council and appropriate staff follow the provisions of the following Utah Code:
10-2-405 Acceptance or denial of an annexation petition -- Petition certification process -- Modified petition.

(1)

(a)

(i) A municipal legislative body may:

- (A) subject to Subsection (1)(a)(ii), deny a petition filed under Section 10-2-403; or
- (B) accept the petition for further consideration under this part.

(ii) A petition shall be considered to have been accepted for further consideration under this part if a municipal legislative body fails to act to deny or accept the petition under Subsection (1)(a)(i):

- (A) in the case of a city of the first or second class, within 14 days after the filing of the petition; or
- (B) in the case of a city of the third, fourth, or fifth class or a town, at the next regularly scheduled meeting of the municipal legislative body that is at least 14 days after the date the petition was filed.

(b) If a municipal legislative body denies a petition under Subsection (1)(a)(i), it shall, within five days after the denial, mail written notice of the denial to:

- (i) the contact sponsor;
- (ii) the clerk of the county in which the area proposed for annexation is located; and
- (iii) if any of the area proposed for annexation is within a township:
 - (A) the legislative body of the county in which the township is located; and
 - (B) the chair of the planning commission.

(2) If the municipal legislative body accepts a petition under Subsection (1)(a)(i) or is considered to have accepted the petition under Subsection (1)(a)(ii), the city recorder or town clerk, as the case may be, shall, within 30 days after that acceptance:

(a) obtain from the assessor, clerk, surveyor, and recorder of the county in which the area proposed for annexation is located the records the city recorder or town clerk needs to determine whether the petition meets the requirements of Subsections 10-2-403(3), (4), and (5);

(b) with the assistance of the municipal attorney, determine whether the petition meets the requirements of Subsections 10-2-403(3), (4), and (5); and

(c)

(i) if the city recorder or town clerk determines that the petition meets those requirements, certify the petition and mail or deliver written notification of the certification to the municipal legislative body, the contact sponsor, the county legislative body, and the chair of the planning commission of each township in which any part of the area proposed for annexation is located; or

(ii) if the city recorder or town clerk determines that the petition fails to meet any of those requirements, reject the petition and mail or deliver written notification of the rejection and the reasons for the rejection to the municipal legislative body, the contact sponsor, the county legislative body, and the chair of the planning commission of each township in which any part of the area proposed for annexation is located.

(3)

(a)

(i) If the city recorder or town clerk rejects a petition under Subsection (2)(c)(ii), the petition may be modified to correct the deficiencies for which it was rejected and then refiled with the city recorder or town clerk, as the case may be.

(ii) A signature on an annexation petition filed under Section 10-2-403 may be used toward fulfilling the signature requirement of Subsection 10-2-403(2)(b) for the petition as modified under Subsection (3)(a)(i).

(b) If a petition is refiled under Subsection (3)(a) after having been rejected by the city recorder or town clerk under Subsection (2)(c)(ii), the refiled petition shall be treated as a newly filed petition under Subsection 10-2-403(1).

(4) Each county assessor, clerk, surveyor, and recorder shall provide copies of records that a city recorder or town clerk requests under Subsection (2)(a).

Amended by Chapter 205, 2009 General Session

RECOMMENDATION:

CES feels more information regarding infrastructure demands (both on-site and off-site) is needed before they can make a recommendation.

PROVIDENCE CITY Annexation Checklist

Please provide the following information as part of your application. The information listed below is required to properly review and process your request. An incomplete application or lack of the required information will delay acceptance and/or processing of your application. Incomplete applications may be returned until the required information is submitted. There is a non-refundable application fee of \$150 for annexation requests.

Applicant, please note! Your application may be reviewed at the counter on a preliminary basis; however, it must still be reviewed by staff before it is accepted for processing. You will be contacted by staff if the application is not complete.

Applicant Check	ANNEXATION CHECKLIST	Staff Check
✓	Application	✓
	\$150 filing fee*	✓
✓	Annexation Petition containing signatures require by Utah Code 10-2-403(3)(b) and identifying the petition sponsors.	✓
✓	An accurate map, prepared by licensed surveyor, of the area proposed for annexation	✓
✓	A list, including the mailing address, of each affected entity as defined in Utah Code 10-2-401.	✓
✓	A list, including the mailing address, of each adjacent property owner. <i>"Adjacent Property Owner" means record owner of real property that shares a common boundary with the applicant's property or is separated by a public right-of-way or canal, stream, etc. City Code 10-1-6:B.2.</i>	✓
✓	On the date of filing, the petition sponsors shall deliver or mail a copy of the petition to the Cache County Clerk.	✓

***Please note: this filing fee does not include professional firm fees.**

Please ask for a Providence City fee schedule.

Process for Annexation Approval:

DRC (may be reviewed here more than once)
City Council
Meeting with the surrounding cities
Mylar plat submitted to County Recorder's Office



Providence City * 15 South Main * Providence UT 84332
Phone: 435-752-9441 * Fax: 435-753-1586 * Email: sbankhead@providence.utah.gov

PROVIDENCE CITY LAND USE APPLICATION

15 South Main * Providence UT 84332

435-752-9441 * Fax: 435-753-1586 * email: sbankhead@providence.utah.gov

Please note that each request has a checklist which specifies what information is required in order for your application to be complete and ready for processing. Please check the appropriate box for your type of application. Check only one box. Each application type requires a separate application. If you have questions, please ask.

INCOMPLETE APPLICATIONS WILL NOT BE PROCESSED.

Development Review Committee, and/or Planning Commission, and/or City Council		
<input checked="" type="checkbox"/> Annexation	Exception to Title	<input checked="" type="checkbox"/> Rezone ?
Code Amendment	Final Plat	Right-of-way Vacation
<input checked="" type="checkbox"/> Concept Plan	General Plan Amendment	Site Plan
Conditional Use	Preliminary Plat	
Appeal Authority		
Appeal		Variance

PLEASE NOTE: FILING FEES DO NOT INCLUDE PROFESSIONAL FIRM FEES. THESE WILL BE BILLED SEPARATELY.

Applicant's Name: BRENT SKINNER		
Address: 599 SOUTH RIVERWOODS PARKWAY, SUITE 400		
Phone(s): 435 757 6159	Fax: N/A	E-Mail: bskinner@riverwatch.com

Party Responsible for Payment: BRENT SKINNER		
Billing Address: SAME AS ABOVE		
Phone(s): SAME	Fax: N/A	E-Mail: SAME

Property Owner's Name (how it appears on a legal document): STAN CHECKETS PROPERTIES LLC		
Address: PO BOX 55 PROVIDENCE, UT 84332		
Phone(s): 435 757 4282	Fax: N/A	E-Mail:

Architect/Engineer/Surveyor's Name: CIVIL SOLUTIONS GROUP c/o DANNY MACFARLANE		
Address: 540 W GOLF COURSE RD, SUITE B1 PROVIDENCE, UT 84332		
Phone(s): 435 760 7488	Fax: N/A	E-Mail: danny@civilsolutionsgroup.net

Cache County Property Number(s): 02-004-0013, 02-004-0014, 02-006-0003, 02-009-0015, 02-014-0019	
Total Acreage: 33.31	Project Name: UNKNOWN
City Address of Project (if applicable): 500 NORTH 400 EAST	

I declare under penalty of perjury that I am the owner or authorized agent for the property which is the subject of application, and that the statements, answers, and documents submitted in connection with this application are true and correct to the best of my knowledge.

Signature of Applicant:  Date: 3/18/2015

Do not complete below this line, for office use only.

Application Fee:
General Plan:
Zone:

Receipt Number:
Received By:
Date Stamp:



ANNEXATION PETITION FOR STAN CHECKETTS PROPERTIES LC.

We hereby certify that all of the undersigned together constitute the owners of a majority of said real property to be annexed and also are the owners of said real property to be annexed and also are the owners of more than one-third in value of said real property as shown by the last assessment rolls for taxes, and that said land is contiguous to the Corporate limits of Providence City. Please indicate which individual(s) is the sponsor/contact for this petition (up to 5 sponsors may be indicated).

Total number of acres 32.22.

Name: Stan Checketts Properties LC (**SPONSOR**)

Address: P.O. BOX 55 PROVIDENCE, UT 84332-0055

Phone: 435.757.4282

Tax I.D./Parcel #(s): 02-004-0013, 02-004-0014, 02-005-0003

Proposed Zone District Assignment: Single Family Traditional (SFT)

Total Acres: 20.8

Signature:



Name: Barbara Rinderknecht

Address: PO BOX 488 PROVIDENCE, UT 84332-0488


Phone:

Tax I.D./Parcel #(s): 02-004-0015, 02-004-0019

Proposed Zone District Assignment: Single Family Traditional (SFT)

Total Acres: 11.42

Signature:



Each owner and signer for himself says: I have personally signed this Petition; I am aware of the request for Annexation and understand the terms and conditions of this Application; I am an owner of a portion of the property above mentioned and located at or near Providence, Cache County, State of Utah, and my post office address is correctly written after my name.



ADJACENT PROPERTY OWNERS

Property Owner	Parcel Number	Property Owner Mailing Address
Ronald and Diana Zollinger	02-004-0010	1000 River Heights BLVD Logan, UT 84321
Rinderknecht LTD Partnership	02-005-0004	PO Box 488 Providence, UT 84332
JTD LEE LLC	02-005-0005	6038 N 1200 W Smithfield, UT 84335
Barbara M Trustee Rinderknecht	02-103-0001, 02-103-0002	PO Box 488 Providence, UT 84332
Ned and Cindy TRS Miller	02-004-0017	480 N 400 E Providence, UT 84332
Ned and Cindy TRS Miller	02-004-0030	480 N 400 E Providence, UT 84332
Lori B Hyde	02-004-0022	349 S East Oaks DR. Fruit Heights, UT 84037
Lori B Hyde	02-004-0021	349 S East Oaks DR. Fruit Heights, UT 84037
J Reed Bindrup	02-004-0027	450 N 400 E Providence, UT 84332
Hyrum and Shirley Henderson	02-004-0012	PO Box 133 Providence, UT 84332
STAN CHECKETTS PROPERTIES LC	02-101-0001	P.O. BOX 55 PROVIDENCE, UT 84332-0055
GARY M MEUNIER	02-004-0035, 02-004-0032	438 N 300 E PROVIDENCE, UT 84332-9615
RINDERKNECHT PROPERTIES LLC	02-102-0042	1775 E 1080 N LOGAN, UT 84341-3013

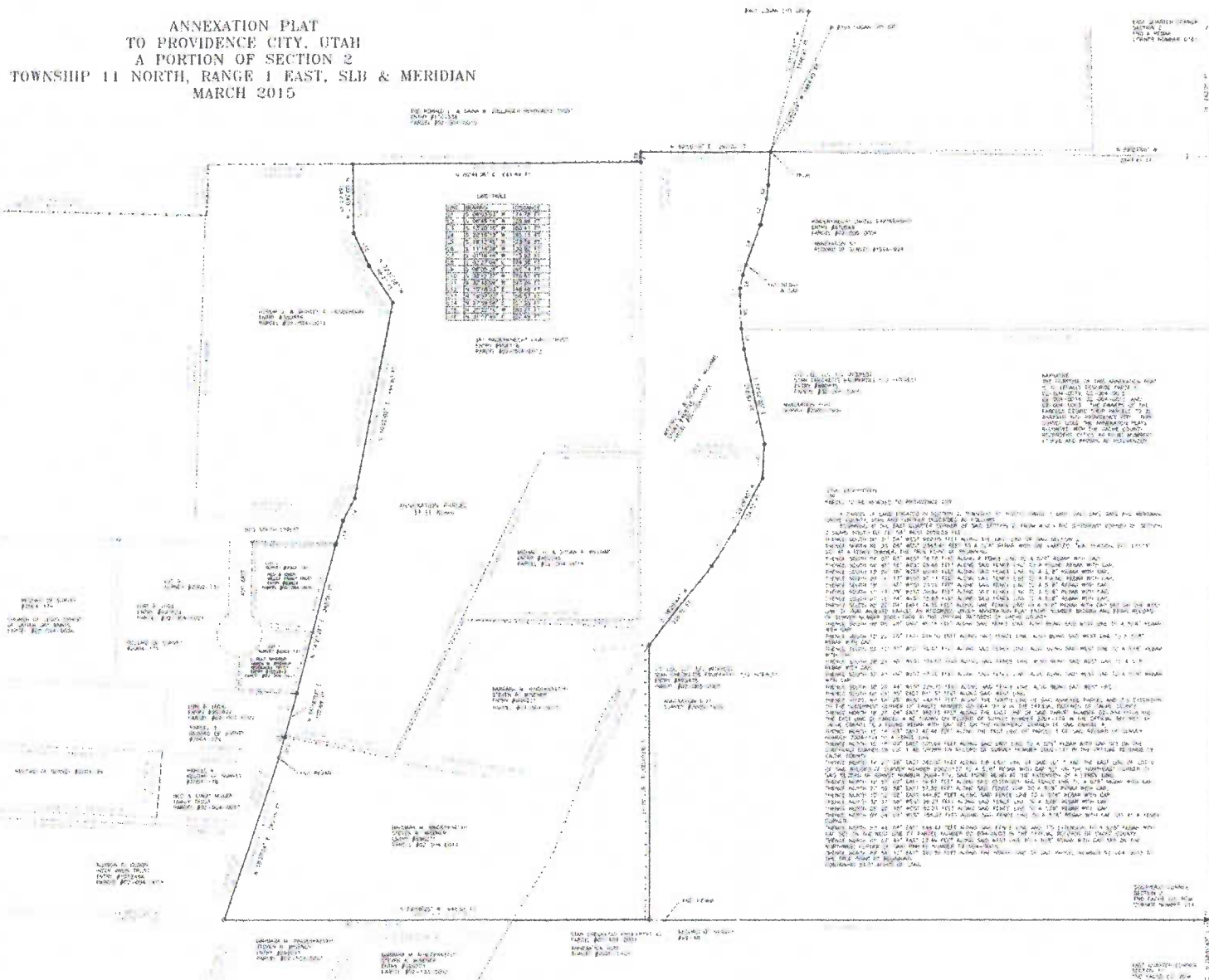
AFFECTED PROPERTY OWNERS (PARCELS BEING ANNEXED)

Property Owner	Parcel Number	Property Owner Mailing Address
STAN CHECKETTS PROPERTIES LC	02-004-0013, 02-004-0014, 02-005-0003	P.O. BOX 55 PROVIDENCE, UT 84332-0055
Barbara M Trustee Rinderknecht	02-004-0015, 02-004-0019	PO Box 488 Providence, UT 84332



**ANNEXATION PLAT
TO PROVIDENCE CITY, UTAH
A PORTION OF SECTION 2
TOWNSHIP 11 NORTH, RANGE 1 EAST, SLB & MERIDIAN
MARCH 2015**

SEE FORMS 1, 2, 3 AND 4 ATTACHED HERETO
DATE: 3/10/15
PAGE: 1 OF 1



ACCEPTANCE BY LEGISLATIVE BODY

THIS IS TO CERTIFY THAT THE LEGISLATIVE BODY OF THE CITY OF PROVIDENCE, UTAH, HAS REVIEWED THE ANNEXATION PLAT AND HAS ACCEPTED THE ANNEXATION OF THE LAND SHOWN AND DESCRIBED HEREIN TO THE CITY OF PROVIDENCE, UTAH, AND HAS ORDERED THAT THE ANNEXATION BE EFFECTIVE AS OF THE DATE OF THE PASSAGE OF THE PLAT.

WITNESSED MY HAND AND THE SEAL OF THE CITY OF PROVIDENCE, UTAH, THIS 10TH DAY OF MARCH, 2015.

CITY CLERK

CITY CLERK

CITY CLERK

CITY CLERK

CITY CLERK

CITY CLERK

CITY CLERK

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CITY CLERK

RECORDS CERTIFICATE

THIS IS TO CERTIFY THAT THE RECORDS OF THE CITY OF PROVIDENCE, UTAH, HAVE BEEN REVIEWED AND FOUND TO BE CORRECT AND COMPLETE.

CITY CLERK

SURVEYOR'S CERTIFICATE

I, THE UNDERSIGNED, A LICENSED SURVEYOR OF THE STATE OF UTAH, HAVE BEEN EMPLOYED BY THE CITY OF PROVIDENCE, UTAH, TO SURVEY THE LAND SHOWN AND DESCRIBED HEREIN, AND I HEREBY CERTIFY THAT THE SURVEY WAS MADE IN ACCORDANCE WITH THE UTAH SURVEYING ACT, AND THAT THE PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE SURVEY.

SURVEYOR

CIVIL SOLUTIONS GROUP

MEMBER OF THE CIVIL SOLUTIONS GROUP

CIVIL SOLUTIONS GROUP

A. A. HEDSON AND ASSOCIATES

A. A. HEDSON AND ASSOCIATES

Ordinance No. 2015-013

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 10 ZONING REGULATIONS, CHAPTER 6 USE REGULATIONS SECTION 1 USE CHART BY ADDING RECREATION/ENTERTAINMENT AS A CONDITIONAL USE IN AN SFL ZONE.

WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls . . .” and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

- Providence City staff prepared the following code amendment for 10-6-1:

G.	Commercial / Related Uses	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH	MFR	MFM	MFH	CND	CGD	CHD	MXD	PUB
14	Recreation / Entertainment			C										P	I or C		

- Planning Commission studied the proposed amendment and held a public hearing prior to making a recommendation.
- The Planning Commission considered the following:
Findings of Fact:
 - Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
 - UCA § 10-9a-109 states the Purposes – General land use authority.
 - UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
 - UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
 - UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.Conclusions of Law:
 - The Providence City Planning Commission held a public hearing on April 8, 2015
 - The particular recreational business that was discussed along with the code amendment would not meet the requirements for a home business. It is also a temporary experiment (research and development) business to see if the idea is something that should be pursued in areas outside of Providence.
 - Planning Commission members felt adding the recreational/entertainment use was just a start. Business standards would need to be set. There is a series of city codes that would need to be addressed.
 - Conditions would need to be established that would allow a recreational business and still protect the integrity of a residential zone.Conditions:
 - The Planning Commission and City staff will study the uses in residential zones and other areas of the city code that may be impacted by adding Recreational/Entertainment.
- Providence City Planning Commission took the following action on 04/08/2015:
Item No. 1. Proposed Code Amendment. The Providence City Planning Commission will review proposed amendments to Providence City Code Title 10 Zoning Regulations, Chapter 6 Use

Regulations Section 1 Use Chart by adding Recreation/Entertainment as a conditional use in an SFL zone.

Motion to recommend cc deny adding recreation/entertainment to SFL zone and the PC will study zone and continue to another meeting: R James, second – H Hansen

Vote: Yea: K Allen, H Hansen, R James, L Raymond, S Sanders

Nay: None

Excused: L Hogge, W Simmons

Abstained: None

THEREFORE be it ordained by the Providence City Council

- The above listed code amendment shall be approved based on the findings of fact, conclusions of law, and conditions listed above after considering the recommendation to deny from the Providence City Planning Commission.
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 14 day of April 2015.

Council Vote:

Bagley, Bill	()Yes	()No	()Excused	()Abstained	()Absent
Baldwin, Jeff	()Yes	()No	()Excused	()Abstained	()Absent
Call, Ralph	()Yes	()No	()Excused	()Abstained	()Absent
Drew, John	()Yes	()No	()Excused	()Abstained	()Absent
Russell, John	()Yes	()No	()Excused	()Abstained	()Absent

Signed by Mayor Don W Calderwood this day of April 2015.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

PROVIDENCE CITY
PLANNING COMMISSION DECISION REPORT
Planning Commission Meeting Date: 04/08/2015

Request: Amend Providence City Code Title 10 Zoning Regulations, Chapter 6 Use Regulations, Section 1 Use Chart

Item Type: Code Amendment

Applicant: Providence City

Prepared by: Skarlet Bankhead

Staff Report Summary of Key Issues:

1. Providence City staff was asked to consider a recreation facility in a Single-family Large (SFL) Zone.
2. The current Use Chart only allows Recreation / Entertainment as a permitted use in Commercial General District (CGD) or as an incidental or conditional use in Commercial Highway District (CHD).

FINDINGS OF FACT:

1. Providence City Staff recommends amending the Use Chart for Recreation / Entertainment as follows:

G.	Commercial / Related Uses	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH	MFR	MFM	MFH	CND	CGD	CHD	MXD	PUB
14	Recreation / Entertainment			C										P	I or C		

2. Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
3. UCA § 10-9a-102 Purposes -- General land use authority.
(1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
(2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.
4. UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in this chapter.
5. UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
6. UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.
7. UCA 10-9a-507.(1) A land use ordinance may include conditional uses and provisions for conditional uses that require compliance with standards set forth in an applicable ordinance.

CONCLUSIONS OF LAW:

1. The Providence City Planning Commission held a public hearing on April 8, 2015. During the public hearing the following concerns were expressed by audience members:

- a. Recreation/Entertainment is not clearly defined (this may open the door to unwanted uses),
 - b. traffic,
 - c. parking,
 - d. possible negative impact on property values,
 - e. commercial activity in a residential neighborhood.
2. The particular recreational business that was discussed along with the code amendment would not meet the requirements for a home business. It is also a temporary experiment (research and development) business to see if the idea is something that should be pursued in areas outside of Providence.
3. Planning Commission members felt adding the recreational/entertainment use was just a start. Business standards would need to be set. There is a series of city codes that would need to be addressed.
4. Conditions would need to be established that would allow a recreational business and still protect the integrity of a residential zone.

CONDITIONS:

1. The Planning Commission and City staff will study the uses in residential zones and other areas of the city code that may be impacted by adding Recreational/Entertainment.

RECOMMENDATION:

The Planning Commission made the following motion during their 04/08/2015 meeting:

Item No. 1. Proposed Code Amendment. The Providence City Planning Commission will review proposed amendments to Providence City Code Title 10 Zoning Regulations, Chapter 6 Use Regulations Section 1 Use Chart by adding Recreation/Entertainment as a conditional use in an SFL zone.

Motion to recommend cc deny adding recreation/entertainment to SFL zone and the PC will study zone and continue to another meeting: R James, second – H Hansen

Vote: Yea: K Allen, H Hansen, R James, L Raymond, S Sanders

Nay: None

Excused: L Hogge, W Simmons

Abstained: None

Ordinance No. 2015-012

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 10 ZONING REGULATIONS, CHAPTER 6 USE REGULATIONS SECTION 1 USE CHART BY ALLOWING BEEKEEPING IN ALL ZONES IN THE CITY.

WHEREAS UCA § 10-9a-102.(2) states “. . . municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls . . .” and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

- Providence City staff prepared the following code amendment:

I	Agriculture and Related Uses	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH	MFR	MFM	MFH	CND	CGD	CHD	MXD	PUB
1	Beekeeping 4 or less colonies	PAA	PAA	PAA	PAA	PAA	PAA	PAA	PAA	PAA	PAA	PAA	PAA	PAA	PAA	PAA	PAA
1A	Beekeeping More than 4 colonies	CAA	CAA	CAA	CAA	CAA	CAA	CAA	CAA	CAA	CAA	CAA	CAA	CAA	CAA	CAA	CAA

- Planning Commission studied the proposed amendment and held a public hearing prior to making a recommendation.
- The Planning Commission considered the following:
Findings of Fact:
 - Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
 - UCA § 10-9a-102 Purposes -- General land use authority.
 - UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
 - UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
 - UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.
 Conclusions of Law:
 - The proposed code amendment has been process consistent with the above Findings of Fact.
 Conditions:
 - The number of colonies applies to the Lot, not the owner.
 - The City staff work with the Cache Valley Bee Club to establish guidelines to evaluate the conditional use.
- Providence City Planning Commission took the following action on March 25, 2015:
Item No. 2. Proposed Code Amendment. The Providence City Planning Commission will consider for recommendation to the Providence City Council proposed amendments to Providence City Code Title 10 Chapter 6 Use Regulations. Use Chart proposed amendments include changes to beekeeping.

Motion to recommend to the City Council that they approve the proposed code amendment – K
Allen, R James,
Yea: R James, W Simmons, K Allen, S Sanders
Nay: Larry Hogge

THEREFORE be it ordained by the Providence City Council

- The above code amendment shall be approved based on the findings of fact, conclusions of law, and conditions listed above and the recommendation of the Providence City Planning Commission.
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 14 day of April 2015.

Council Vote:

Bagley, Bill	()Yes	()No	()Excused	()Abstained	()Absent
Baldwin, Jeff	()Yes	()No	()Excused	()Abstained	()Absent
Call, Ralph	()Yes	()No	()Excused	()Abstained	()Absent
Drew, John	()Yes	()No	()Excused	()Abstained	()Absent
Russell, John	()Yes	()No	()Excused	()Abstained	()Absent

Signed by Mayor Don W Calderwood this day of April 2015.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

PROVIDENCE CITY
Planning Commission Decision Report
Planning Commission Meeting Date: 03/25/2015

Request: Amend Providence City Code Title 10 Zoning Regulations, Chapter 1, Section 1 Use Chart, by permitting beekeeping in all zones.

Item Type: Code Amendment

Applicant: Providence City

Prepared by: S Bankhead

Staff Report Summary of Key Issues:

1. The public hearing to consider this code amendment was held February 11, 2015.
2. The following amendment is consistent with changes made to Providence City Code Title 5 Chapter 1 Animal Regulations and Control, Section 9 Beekeeping when the City Council adopted Ordinance 2015-006 on February 10, 2015.

FINDINGS OF FACT:

1. Providence City Staff recommends amending the Use Chart for Beekeeping as follows:

I	Agriculture and Related Uses	AGR	SFE	SFL	SFT	SFR	SFM	SFH	SMH	MFR	MFM	MFH	CND	CGD	CHD	MXD	PUB
1	Beekeeping 4 or less colonies	P^^	P^^	P^^	P^^	P^^	P^^	P^^	P^^	P^^	P^^	P^^	P^^	P^^	P^^	P^^	P^^
	Beekeeping More than 4 colonies	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^	C^^

^^Must conform to Title 5 Chapter 1 of this Code, Animal Regulation and Control.

2. Providence City Code (PCC) 10-1-5:A. states changes and amendments to this Zoning Title shall be done in accordance with state law.
3. UCA § 10-9a-102 Purposes -- General land use authority.
(1) The purposes of this chapter are to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values.
(2) To accomplish the purposes of this chapter, municipalities may enact all ordinances, resolutions, and rules and may enter into other forms of land use controls and development agreements that they consider necessary or appropriate for the use and development of land within the municipality, including ordinances, resolutions, rules, restrictive covenants, easements, and development agreements governing uses, density, open spaces, structures, buildings, energy efficiency, light and air, air quality, transportation and public or alternative transportation, infrastructure, street and building orientation and width requirements, public facilities, fundamental fairness in land use regulation, considerations of surrounding land uses and the balance of the foregoing purposes with a landowner's private property interests, height and location of vegetation, trees, and landscaping, unless expressly prohibited by law.
4. UCA § 10-9a-501 states the legislative body may enact land use ordinances and a zoning map consistent with the purposes set forth in in this chapter.
5. UCA § 10-9a-502 Requires the planning commission provide notice and hold a public hearing on a proposed land use ordinance or zoning map; and prepare and recommend to the legislative body a proposed land use ordinance and zoning map that represent the planning commission's recommendation.
6. UCA 10-9a-503.(1) The legislative body may amend: (b) any regulation of or within the zoning district; or (c) any other provision of a land use ordinance.

CONCLUSIONS OF LAW:

1. The proposed code amendment has been processed consistent with the above Findings of Fact.
2. Audience members expressed the following concerns:

- a. The cost of a conditional use permit for a hobby.
 - b. The number of bees in a colony.
 - c. Did the number of colonies apply to an owner or the lot (could an owner have 4 colonies on their lot and 1 colony on a neighbor's lot).
 - d. Guidelines were needed to evaluate the conditional use.
 - e. A "backyard beekeeper" may allow a colony that splits to swarm off into attics or trees.
 - f. Neighbors suffering bee stings.
3. Audience members expressed the following ideas in agreement with the proposal.
- a. There are about 60,000 bees in a colony;
 - b. 4 colonies is a reasonable amount for a permitted use.
 - c. It is reasonable that 5 or more colonies be required to get a conditional use.
 - d. The Cache Valley Bee Club will retrieve split hives. They also have a hotline for the exterminators.
 - e. Most stings come from yellow jackets and wasps, not honey bees (with the exception of African Bees)

CONDITIONS:

- 1. The number of colonies applies to the Lot, not the owner.
- 2. The City staff work with the Cache Valley Bee Club to establish guidelines to evaluate the conditional use.

RECOMMENDATION:

The Providence City Planning Commission took the following action during their March 25, 2015 meeting:

Item No. 2. Proposed Code Amendment. The Providence City Planning Commission will consider for recommendation to the Providence City Council proposed amendments to Providence City Code Title 10 Chapter 6 Use Regulations. Use Chart proposed amendments include changes to beekeeping.

Motion to recommend to the City Council that they approve the proposed code amendment – K Allen, R James,

Yea: R James, W Simmons, K Allen, S Sanders

Nay: Larry Hogge

Ordinance No. 2015-003

AN ORDINANCE AMENDING PROVIDENCE CITY CODE TITLE 4 CHAPTER 1 NUISANCES

WHEREAS UCA § 10-3-702 states "The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. . ." and

WHEREAS Providence City desires to provide for the health, safety, and welfare, and promote the prosperity, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster the state's agricultural and other industries, to protect both urban and nonurban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values in areas that may be considered sensitive, including but not limited to fire danger, slope, soil content.

- At the request of the City Council, the attached code amendment has been prepared.

THEREFORE be it ordained by the Providence City Council

- The attached code amendment shall be approved;
- This ordinance shall become effective immediately upon passage and posting.

Ordinance adopted by vote of the Providence City Council this 14 day of April 2015.

Council Vote:

Bagley, Bill	()Yes	()No	()Excused	()Abstained	()Absent
Baldwin, Jeff	()Yes	()No	()Excused	()Abstained	()Absent
Call, Ralph	()Yes	()No	()Excused	()Abstained	()Absent
Drew, John	()Yes	()No	()Excused	()Abstained	()Absent
Russell, John	()Yes	()No	()Excused	()Abstained	()Absent

Signed by Mayor Don W Calderwood this day of April 2015.

Providence City

Don W. Calderwood, Mayor

Attest:

Skarlet Bankhead, Recorder

CHAPTER 1

NUISANCES

SECTION:

- 4-1-1: ~~Nuisances Defined; Declaration.~~
- 4-1-2: ~~Nuisances on Property~~Responsibility for Nuisances.
- 4-1-3: ~~Maintenance of Nuisance Prohibited; Enumeration of Nuisances.~~
- 4-1-~~4~~3: Abatement Procedure

4-1-1: ~~NUISANCES DEFINED; DECLARATION:~~

A. ~~DEFINITION: Pursuant to Utah Code 78B-6-1101. A~~

For purposes of this chapter, a nuisance is anything which occurs within the city and meets any one or more of the following definitions:

1. Anything which is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property. A nuisance may be the subject of an action. (Ordinance No 014-2008, 11/11/2008)
2. Any item, thing, manner, or conditions whatsoever that is dangerous to human life or health or renders soil, air, water or food impure or unwholesome.
3. Anything which (a) annoys, injures, or endangers the comfort, repose, health, or safety of others; or (b) offends the public decency; or (c) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or (d) in any way renders other persons insecure in life or in the use of property.
4. Any condition or use of property or premises or of building exteriors which are deleterious, injurious, noxious or unsightly, which includes, but is not limited to, keeping or depositing on, or scattering over the premises any of the following: (1) Lumber, junk, trash or debris; (2) Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, machinery, canisters or automobiles, or other discarded items not currently in use.
5. Every other offensive situation, conduct or activity specifically enumerated elsewhere herein, including, but not limited to, those enumerated in Section 4-1-3, below.

B-4-1-2:- ~~RESPONSIBILITY FOR NUISANCES; AUTHOR DEFINED:~~

Where a nuisance exists upon property ~~and is the outgrowth of the usual, natural, or necessary use of the property,~~ the property owner, the landlord and/or his agent, the tenant and/or his agent, any person who causes, creates, contributes to, supports or permits a nuisance to occur or remain upon property, and any and all other persons having control, use, and/or occupation of the property on which such nuisance exists shall be deemed to be the authors thereof and shall be equally liable and responsible therefore. In cases where there are more than one

responsible persons, the city may proceed against one, some, or all of them. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors. (1977 Code § 10-312)

C-4-1-3: DECLARATION OF NUISANCE; ENUMERATION OF NUISANCES: Made, Permitted or Allowed:

A. Every act or condition made, permitted, allowed or continued in violation of that falls within the definition of nuisance as provided in Section 4-1-1 of this Chapter, is hereby declared to be a nuisance and may be abated and, punished, and remedied as hereinafter provided. Included Nuisances: Nuisances include, but are not limited to:

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B. Every situation, conduct or activity specifically enumerated and listed below constitutes a nuisance and may be abated pursuant to this ordinance (the listed examples are not exhaustive; a situation, conduct, or activity not listed below, but that falls within the definition of nuisance, shall also constitute a nuisance):

1. Befouling Culinary Water: Befouling water in any spring, stream, well or water source supplying water for culinary purposes.
2. Privies, Cesspools, Septic Tanks: Allowing any privy, vault or cesspool or other individual wastewater disposal system to become a menace to health or a source of odors or contamination to air or water.
3. Garbage Containers, Offensive: Permitting any garbage container to remain on premises when it has become unclean and offensive. The leaving of any garbage can or refuse container in the street other than on collection day, or for more than 12 hours before or after collection day.
4. Garbage Accumulation of Junk: Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon the property, or any private alley, yard or area. This includes the accumulation of used or damaged lumber; junk; scrap metal; machinery or machinery parts; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, boxes, barrels, bottles, cans, containers, cabinets, refrigerators, or other fixtures, equipment, products, or personal property stored so as to be visible from a public street, alley, or adjoining property.
5. Manure Accumulation: Permitting the accumulation of manure in any stable, stall, corral, feed yard, kennel, or in any other building or area in which any animals are kept.
6. Slaughterhouses, Feed Yards: Permitting any slaughterhouse, market, meat shop, stable, feed yard, or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed.
7. Discharging Offensive Water or Liquid Waste: Discharging or placing any offensive water, chemical spray, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal, or any vacant lot or which, as the

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result of continued discharge, will render the place of discharge offensive or likely to become so.

8. Collecting Grease, Offensive Matter: Keeping or collecting any stale or putrid grease or other offensive matter.
9. Flies and Mosquitoes: Having or permitting upon any premises any fly or mosquito-producing condition.
10. Ablutions near Drinking Fountain: Permitting or performing any ablutions in or near any public drinking fountain.
11. Boarding House or Factory, Sanitary Condition: Failing to furnish any dwelling house, boarding house, or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.
12. Cleaning Privy Vaults: Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults and cesspools or other individual wastewater disposal systems within twenty (20) days after notice from an enforcement officer or official of the City.
13. Stagnant Water; Offensive Substances: Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
14. Obstructing Public Ways, Watercourses, Parks: Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalk, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the City Council. ~~(1977 Code § 10-313)~~
15. ~~Offensive Condition or Refuse: Keeping or storing of any refuse or waste matter which interferes with the reasonable enjoyment of nearby property, or the keeping or storing of any refuse or waste matter which is visible from a public street, alley, or adjoining property, and whenever there is found any garbage, junk, used materials (including waste concrete, asphalt ect.) and merchandise, waste, inoperable motor vehicles, trash, rank and noxious weeds, or other unsightly or deleterious objects or conditions that are offensive to the order and economy of the city.~~
16. ~~Outdoor Storage of Personal Property: Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junk yards) that is visible from a public right-of-way, public street, sidewalk, or alley within the City is hereby declared to be a nuisance and dangerous to the public safety.~~
17. Outdoor furniture. Keeping furniture which is not manufactured for outdoor use in outdoor areas where such furniture is visible to passersby in the public right-of-way, public street, sidewalk, or alley (for more than two (2) days in any six-month period). This shall include, but not be limited to, the placement, use, keeping, storage, or maintaining any furniture not manufactured for outdoor use, including, without limitation, upholstered chairs, upholstered couches and mattresses, in or on any porch, patio or other unenclosed structure where such furniture is visible from a public right-of-way, public street, sidewalk or alley, and no owner, landlord, property manager, tenant, or other occupant shall permit any such activity to occur on property owned or managed by such person.

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18. Unsheltered Inoperable Motor Vehicle. The unsheltered storage of an inoperable motor vehicle for sixty (60) days or more on private property in a manner as to be visible to a person standing upon any public street, alley, sidewalk, or right-of-way.

a. Exceptions. This restriction does not apply to any person who is conducting an automobile sales, storage, or repair enterprise operated in compliance with existing zoning regulations and other applicable law, when the storage is necessary to the operation of such business' enterprise.

Further, this restriction does not apply to an inoperable motor vehicle located in a garage or other fully enclosed building or placed behind screening of sufficient size, strength and density, such as a solid fence, to screen it from public view of a person standing upon any public street, alley, sidewalk, or right-of-way.

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19. Improper Accumulations. Accumulation of soil, litter, debris, plant trimmings, or trash, visible from the street or adjoining property.

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20. Improper Maintenance. Buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair.

21. Dangerous Conditions. Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any excavation, hole, well, pit, basement, cellar; or any land, lot, or yard which, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any harm, inconvenience, discomfort, damage, or injury to the public or to any one or more individuals.

DC. ENUMERATION OF NUISANCES: The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this Chapter. (1977 Code § 10-314)

ED. RESTROOM OR SEWER FACILITIES: All restroom or sewer facilities shall be constructed and maintained in accordance with Utah law and City ordinances. All such facilities that do not comply with such provisions are hereby declared to be a nuisance and are subject to abatement as herein prescribed. (1977 Code § 10-315; 1998 Code)

FE. RESTRICTIONS ON BLOCKING WATER:

1. Obstructions: It shall be unlawful for any person to permit any drainage system, canal, ditch, conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow there from, or to become unsanitary.
2. Subject to Abatement: Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement. (1977 Code § 10-316)

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F. GENERAL DUTY OF MAINTENANCE OF PRIVATE PROPERTY: No person owning, leasing,

occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in any manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. The failure of a person owning, leasing, occupying or having charge of any premises to comply with such general duty of maintenance is a nuisance that may be abated under this chapter. In connection herewith, a person owning, leasing, occupying or having charge of any premises, is subject to the following:

1. No owner or occupant of any premises which are adjacent to any portion of a ditch, detention pond, storm drain or watercourse shall cause the accumulation of refuse, rubbish or storage of any material within or upon such adjacent areas.
2. An occupant of a residence may maintain a compost pile that is a separated area containing alternate layers of plant refuse materials and soil maintained to facilitate decomposition and produce organic material to be used as a soil conditioner. Any such compost pile shall be so maintained to prevent putrefying or attracting insects or animals, as such shall constitute a nuisance hereunder.

G. PUBLIC NUISANCES NOT EXEMPT. Nothing in this Section shall be construed to permit activities, conditions, or situations that would constitute a public nuisance or would otherwise be unlawful under applicable law absent the existence of this Section. Furthermore, nothing in this Section shall be construed to limit the city's rights and remedies to deal with public nuisances under applicable law.

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4-1-2: NUISANCES ON PROPERTY:

A. DEFINITION: For the purpose of this Section, the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly which includes, but is not limited to, keeping or depositing on, or scattering over the premises any of the following:

5. Lumber, junk, trash or debris.
6. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, machinery, canisters or automobiles, or other discarded items not currently in use. (1977 Code § 10-331; 1998 Code)

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B. WORDS, TERMS AND PHRASES: The following words, terms and phrases, when used in this Chapter, shall have the meanings:

Brush Pile An accumulation of cuttings or dead portions of trees and shrubs.

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Nuisance Officer The Providence City Nuisance Officer or a designated representative of the Nuisance Officer.

Comment [U1]: Has a nuisance officer been appointed? When we were dealing with this before there was no "nuisance officer."

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Compost	A mixture consisting of decayed organic matter used for fertilizing and conditioning soil.	Formatted: Indent: Left: 0", Hanging: 0.5"
Ditch	Any channel, either man-made or natural, to carry water for drainage or irrigation, including its access and/or maintenance easement on either side.	Formatted: Indent: Left: 0", Hanging: 0.5"
Owner or Occupant	The owner of record or any agent or representative of such owner and any person entitled, by lease or tenancy, to possession of the premises.	Formatted: Indent: Left: 0", Hanging: 0.5"
Property	In addition to the owner's lot or tract of land whether improved or vacant, the area to the center of an alley abutting the lot or tract of land, if any, all easement of record, and the sidewalk, curb, gutter and parking area of any street abutting such lot or tract of land.	Formatted: Indent: Left: 0", Hanging: 0.5"
Refuse	Solid and liquid wastes, except hazardous wastes, whether decayable or non-decayable, combustible, or noncombustible, organic or inorganic, including but not limited to wastes and materials commonly known as trash, garbage, debris or litter, animal carcasses, offal or manure, paper, ashes, cardboard, cans, yard clippings, glass, rags, discarded clothes or wearing apparel of any kind or any other discarded object not exceeding three (3) feet in length, width, or breadth.	Formatted: Indent: Left: 0", Hanging: 0.5"
Rubbish	Non-decayable solid wastes of a large size, including but not limited to large pieces of wood, large cardboard boxes or parts, large or heavy yard trimmings, discarded fence posts, crates, vehicle tires, junked or abandoned motor vehicle bodies or parts, scrap metal, bedsprings, water heaters, discarded furniture and all other household goods or items, demolition material, used lumber and other discarded or stored objects three (3) feet or more in length, width, or breadth.	Formatted: Indent: Left: 0", Hanging: 0.5"
Unsheltered	Located outside a garage or other building in such a	Formatted: Indent: Left: 0", Hanging: 0.5"

manner as to be visible to a person standing upon any public street, alley, sidewalk, or right-of-way.

Weed

An aggressive, non-native herbaceous plant detrimental to native plant communities or agricultural lands and any other type of noxious weeds designated by the Utah Noxious Weed Act as amended or Cache County Weed District.

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Yard

The open space between buildings and property lines at the front, rear, and sides of a property.

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- C. ~~DUTY OF MAINTENANCE OF PRIVATE PROPERTY: No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in any manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. (1977 Code § 10-332)~~

1. ~~No owner or occupant of any premises which are adjacent to any portion of a ditch, detention pond, storm drain or watercourse shall cause the accumulation of refuse, rubbish or storage of any material within or upon such adjacent areas.~~
2. ~~An occupant of a residence may maintain a compost pile that is a separated area containing alternate layers of plant refuse materials and soil maintained to facilitate decomposition and produce organic material to be used as a soil conditioner. Any such compost pile shall be so maintained to prevent it becoming a nuisance by putrefying or attracting insects or animals.~~

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- D. ~~OUTDOOR STORAGE OF PERSONAL PROPERTY: Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of thirty (30) days or more (except in licensed junk yards) that is visible from a public right-of-way, public street, sidewalk, or alley within the City is hereby declared to be a nuisance and dangerous to the public safety. (1977 Code § 10-333)~~

1. ~~Outdoor furniture restrictions. Keeping upholstered furniture which is not manufactured for outdoor use in outdoor areas where such furniture is visible to passersby in the public right-of-way, public street, sidewalk, or alley is hereby declared to be a nuisance. Accordingly, no person shall place, use, keep, store or maintain any upholstered furniture not manufactured for outdoor use, including, without limitation, upholstered chairs, upholstered couches and mattresses, in or on any porch, patio or other unenclosed structure where such furniture is visible from a public right-of-way, public street, sidewalk or alley, and no property manager shall knowingly permit any such activity to occur on property owned or managed by such person. The following shall constitute specific defenses to any alleged violation of this Section:~~

- a. ~~That such furniture was placed in the location in question in order to allow it to be~~

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- moved during a move of a resident or residents of the premises or has been removed as part of a trash or recycling program on a day scheduled for such moving or removal.
- b. That such furniture was temporarily placed in the location in question in order that it be offered for sale at a yard or garage sale if each of the following conditions exists: provided, however, that this defense shall not apply if upholstered furniture is located in an outside location for more than two (2) days in any six month period.
 - c. The furniture is located in an outside location only between the hours of 7:00 a.m. and 5:00 p.m.;
 - d. The person attempting to sell the furniture, or that person's agent, is outside during the period of the yard or garage sale in order to monitor the sale; and
 - e. A sign is placed on or near the furniture indicating that it is for sale.
2. Unsheltered inoperable motor vehicle prohibited. The unsheltered storage of an inoperable motor vehicle for sixty (60) days or more on private property in a manner as to be visible to a person standing upon any public street, alley, sidewalk, or right-of-way is prohibited. The inoperable motor vehicle, shall be located in a garage or other fully enclosed building or placed behind screening of sufficient size, strength and density, such as a solid fence, trees or shrubbery to screen it from public view of a person standing upon any public street, alley, sidewalk, or right-of-way.
- a. Exceptions. This Section does not apply to any person who is conducting an automobile sales, storage, or repair enterprise operated in compliance with existing zoning regulations, when the storage is necessary to the operation of such business enterprise. These exceptions for certain lawfully conducted business enterprises are affirmative defenses to be pled and proved by the defendant in any judicial proceedings under this Chapter.
 - b. Public nuisances not exempt. Nothing in this Section shall be construed to permit exempt or sheltered storage of inoperable motor vehicles to be conducted in such manner as to constitute a public nuisance under other provisions of this Chapter, including without limitation allowing the accumulation of refuse and rubbish and growth of weeds and brush in and about the storage area, breeding of insects and rodents or direct danger to persons from broken glass, sharp metal protrusions, insecure mounting on blocks, jacks, or supports or explosion hazard.
 - c. Removal. The owner and the occupant of the private property on which the unsheltered storage is occurring and the owner of the inoperable motor vehicle in question are jointly and severally responsible to abate the nuisance. Every person who fails, neglects, or refuses to abate the nuisance is also guilty of a Class C Misdemeanor. A separate offence shall be deemed committed on each day during or on which a violation occurs or continues. The imposition of any sentence does not exempt the offender from compliance with the requirements of this Chapter. No person, after abatement notification has been given, shall move the inoperable motor vehicle in question, to any other private property upon which storage of such vehicle is not permitted or onto any public property or right-of-way.

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Comment [U2]: Can we charge person with Class C for violating nuisance ordinance? I do not think so.

E. ABATEMENT BY OWNERS: The owner, owners, tenants, lessees or occupants of any lot within the City on which such "storage", as defined in Section 4-1-2-3 of this Chapter, is made, and also

the owner, owners or lessees of the above described personal property involved in such storage, shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured yards or buildings to be used for such purposes, or otherwise remove such property from the City. (1977 Code § 10-334)

4-1-34: ——— **ABATEMENT PROCEDURE:**

A. APPOINTMENT AND DUTIES OF ~~NUISANCE OFFICER~~/CITY DESIGNEE:

Comment [U3]: Have we appointed Nuisance Officer?

1. Appointment: There is hereby established the position of Nuisance Officer whose duties shall be to enforce the provisions of this Chapter. ~~Until another person is designated~~If there is no appointed Nuisance Officer serving, the contracted law enforcement agency, ~~or other designee~~ shall administer and enforce the provisions of this Chapter. More than one person may be appointed to act as Nuisance Officer ~~or the city designated representative~~ under this Section. In case of nuisances involving dangerous buildings or violations of codes this ordinance may be administered and enforced by the city's community development department.
2. Duties: The Nuisance Officer ~~and/or the city designated representative~~ is authorized to:
 - a. Perform all functions necessary to enforce the provisions of this Chapter.
 - b. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this Chapter.
3. Existence of ~~Objectionable Condition~~ Nuisance: ~~If he the Nuisance Officer~~ the city designated representative concludes there exists an objectionable condition constituting a nuisance in violations of this Chapter, the city designated representative ~~Nuisance Officer~~ shall
 - a. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions constituting a nuisance exist.
 - b. Serve notice in writing upon the owner, ~~and~~ occupant, or responsible person of such premises, either personally or by mailing notice prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the County Assessor, or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate, ~~or~~ destroy, remedy, and /or remove the nuisance within such time as the city designated representative ~~Nuisance Officer~~ may designate; provided, that any person notified pursuant to this subsection shall be given at least ten (10), but not more than twenty (20) days, as determined by the city designated representative ~~Nuisance Officer~~ following the date of service of such notice, to correct the objectionable condition. The notice shall:
 - i. Contain the name and address of the responsible person(s).
 - ii. Contain a specific statement of the nature of the nuisance violation and generally describe the premises on which the violation exists.
 - iii. Inform the owner, occupant or other responsible person that in the event he or she disagrees he they disagrees with the determination of

the city designated representative Nuisance Officer and does not wish or intend to comply with the provisions of the notice, or that he or she objects to the factual or legal basis for the notice, ~~he~~ they he or she may request in writing a hearing before the City Council at a time and place to be set by the City Council. A written application for a hearing shall state the time within which the person must conform to the provisions of the notice.

iiiiv. Inform the responsible person of the required corrective action to abate the nuisance.

v. Inform the responsible person that in the event he or she fails he they fails or neglects to correct the objectionable condition, the City will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he or she he they will be assessed such removal and destruction costs, together with reasonable administrative costs, and reasonable attorney fees and court costs, or will charge the cost of correcting the violation against the property as a tax.

iv. In the event the owner or occupant makes such request for a hearing, the City Council shall set the time and place for the hearing objections and the City Recorder shall notify the owner, occupant or other persons having an interest in said property on the condition thereof in writing of the time and place at which they may appear and be heard. The hearing shall be heard within less than five (5) days from the date of service or mailing of the notice of hearing. (1977 Code § 10-351; 1998 Code)

B. HEARING:

1. Informal Hearing; Written Decision: At the written request of an owner, occupant or other person having an interest in property which is the subject of a notice to remove or abate weeds, objectionable conditions or objects, or other nuisance from the property, the City Council shall conduct an informal hearing (which need not be reported), wherein such persons may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this Chapter. The City Council shall also permit the presentation of evidence and argument by the city designated representative Nuisance Officer and other interested parties. Thereafter within not less than five (5) nor more than ten (10) days, the City Council shall, over the signature of the Mayor, or such other member of the City Council as it may designate, render its written decision, a copy of which shall be mailed to or served upon the owner or any other person to whom the original notice was given by the city designated representative Nuisance Officer.
2. Notice of Decision; Abatement By Owner Or Occupant: In the event the decision of the City Council upholds the determination of the city designated representative Nuisance Officer, the notice originally given by the city designated representative Nuisance Officer as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he shall have up to ten (10)

days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed thirty (30) days, is authorized by the city designated representative Nuisance Officer.

3. Time Period for Compliance: In the event that the decision of the City Council either overrules or modifies the determination of the city designated representative Nuisance Officer, the written decision of the City Council shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the City Council within ten (10) days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the city designated representative Nuisance Officer, unless additional time is authorized by the City Council.
4. Filing of Amended Notice: The city designated representative Nuisance Officer shall file an amended notice and proof of service of notice and file the same in the office of the County Treasurer. (1977 Code § 10-352)

C. FAILURE TO COMPLY; ABATEMENT BY CITY: If any owner, occupant or other responsible person having an interest in land described in such notice of decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such nuisance, weeds, garbage, refuse, objects or structures, the city may enter upon the subject property and may remove or correct the condition which is subject to the abatement. The city designated representative Nuisance Officer shall, at the expense of the city, employ all necessary assistance to cause such objectionable objects or conditions to be removed or destroyed by the city, at the expense of the City. (1977 Code § 10-353)

D. ITEMIZED STATEMENT: The city designated representative Nuisance Officer shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant, or both, or to persons having an interest in the property, or other responsible persons, demanding payment within twenty-thirty (230) days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail, addressed to the last known address of the property owner, occupant or persons having an interest in the property. (1977 Code § 10-353) The itemized statement shall include the address of the subject property; an itemized list of and demand for payment for all expenses, including administrative and incidental expenses, of correcting or abating the nuisance; the address of the municipal treasurer where payment may be made for the expenses; and notification to the property owner that failure to pay the expenses may result in a lien on the property, that the owner may file a written objection to all or part of the statement within 20 days after the date of mailing (such hearing to be conducted in accordance with Utah Code Ann. § 10-11-3), and the location where the owner may file the objection, including the municipal office and address.

E. FAILURE TO MAKE PAYMENT: In the event the owner, occupant or person having an interest in the property fails to make payment of the amount set forth in the statement to the City Treasurer within the twenty-thirty (2030) days, the city designated representative Nuisance Officer may either cause suit to be brought in an appropriate court of law or may refer the

matter to the County Treasurer as provided in this Chapter. (1977 Code § 10-355)

- F. COLLECTION BY LAWSUIT: In the event collection of expenses of destruction and removal are pursued through the courts, the city may sue and shall be entitled to ~~City shall sue and receive~~ judgment for all of said expenses of destruction and removal, including administrative costs, together with reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law. (1977 Code § 10-356)
- G. COLLECTION THROUGH TAXES: In the event that the city designated representative ~~Nuisance Officer~~ elects to refer the expenses of destruction or removal to the County Treasurer as a lien against the subject property for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same, and shall deliver three (3) copies of the statement certify the past due costs and expenses to the county treasurer in accordance with Utah Code Ann. § 10-11-4 to the County Treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, refuse, garbage objects, or structures. Thereupon, the costs of the work shall be pursued by the County Treasurer in accordance with the provisions of Utah Code ~~Annotated~~ Ann. section §§ 10-11-3 to 10-11-4, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted. (1977 Code § 10-357)
- H. CRIMINAL PROCEEDING: The Commencement of criminal proceedings for the purpose of imposing penalties for violations of this Chapter shall not be conditioned upon prior issuance of a notice or the granting to the defendant an opportunity to abate or remove the nuisance. The provisions of this Chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this Chapter. (1977 Code § 10-358)
- I. PENALTY FOR FAILURE TO COMPLY:
1. Class C Misdemeanor and Monetary Fine: Any owner, occupant or person having an interest in property subject to this Chapter who shall fail to comply with the notice or order given pursuant to this Chapter shall be guilty of a Class C misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code for each offense, and further sum of twenty-five dollars (\$25.00) for each and every day such failure to comply continues beyond the date fixed for compliance.
 2. Criminal Proceedings: Compliance by any owner, occupant or person to whom a notice has been given subsequent to the commencement of criminal proceedings as provided in this Chapter shall not be admissible in any criminal proceeding brought pursuant to this Section. (1977 Code § 10-359)
- J. NON-EXCLUSIVE REMEDIES: Notwithstanding anything contained herein to the contrary, the city may proceed pursuant to Utah Code Ann. § 10-11-1 et seq. without complying with any of the provisions of this chapter. In addition, the city may take any or all of the above-mentioned remedies (administrative, civil, or criminal) to abate a nuisance and/or to punish any person or entity who creates, causes, or allows a nuisance to exist. The abatement of a nuisance does not

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prejudice the right of the city or any person to recover damages or penalties for its past existence.

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